

Appln. No. 10/532,699  
Amdt. Dated: June 1, 2010  
Reply to Official Action of March 1, 2010

### **REMARKS**

Claims 21 – 23, 25, and 26 are currently pending and Claims 1 – 20, and 24 are canceled. No new matter has been introduced into the claims by the amendment. Support for the amendments to the preamble is found at page 1, lines 20 – 33. The subject matter of Claim 24 has been incorporated into Claim 21. Support for the amendment explaining how and to what the polysaccharides are added is found on page 5, lines 14 – 36 and finally, support for the wt% of uronic acids is found on page 6, lines 9 – 12.

#### **Summary of Examiner Interview**

An Examiner interview was conducted on May 25, 2010 to review a proposed amendment to the claims and the rejections of the Office Action of March 1, 2010.

The Examiner rejected Claim 21 under 35 U.S.C. § 112, second paragraph, for being indefinite. The Examiner asserted that the claim failed to include active method steps, a transitional phrase, and that the phrase “enhanced loosening property” is indefinite. In response, Applicants amended Claim 21 to include the transitional phrase “comprising” and to include steps describing how and what is combined. Applicants also amended the preamble replacing the word “enhancing” with “improving.” Applicants referred the Examiner to page 6, line 13 – 30, of the specification as providing support for the term “loosening.” The Examiner accepted the amendments to the transitional phrase and the steps describing how and what is combined, but the Examiner maintained the rejection asserting the term “loosening” is indefinite. The Examiner suggested the current amendments to the preamble, which were accepted by the Applicants, and are presented herewith. The Examiner also raised a new objection to the term “constituent sugars” as unacceptable, asserting that the term “sugar” should not be used to describe “uronic acid.” Applicants suggested removal of the term “sugar” to which the Examiner accepted. As a result, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 is respectfully requested.

The Examiner also rejected Claims 21 - 26 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 5,972,399 to Lapre (“Lapre”) in view of the combination with Japanese Patent

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Application Publication 2000-273101 to Takahashi et al. ("Takahashi") and the *Plant Biology* journal article by Sorensen et al. ("Sorensen") and an abstract by Knight *J. Exp. Bot.* 1961 ; 12: 13 – 26 ("Knight").

During the interview, Applicants focused on the Examiner's reliance on Sorensen and Knight. The Examiner relied on Sorensen and Knight as prior art demonstrating that pectin from white potatoes contain uronic acid and the uronic acid content can be varied. Lapre and Takahashi do not disclose this information. Applicants explained to the Examiner that none of the references provide a motivation, nor has the Examiner provided some independent motivation for varying the starch content and uronic acid content of the polysaccharides to obtain an ideal additive to provide improved loosening properties of cooked rice or pasta. The mere existence of uronic acid in white potatoes does not provide any motivation that varying this constituent will achieve the results of the present invention. Applicants referred the Examiner to the experimental results in Tables 1 – 5 in the specification. The experimental results demonstrate that a precise range of uronic acid must be added to the cooked rice or pasta and the uronic acid is a constituent of a polysaccharide with a sufficiently low starch content to achieve the desired results. None of the references disclose the elements of the present invention specifying the appropriate starch content for the polysaccharide or the amount of uronic acids that must be present to improve the loosening property of the cooked rice or pasta. Therefore, Claim 21 is patentable over the prior art of record, as well as Claims 22, 23, 25 and 26 which depend from Claim 21. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the claims presented herewith are patentable over the prior art of record and in condition for allowance. Applicant respectfully solicits prompt action thereon. If any questions remain, the Examiner is invited to phone the undersigned attorney.

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Respectfully submitted,

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